

United States Court of Appeals for the Fifth Circuit

No. 23-30883
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 12, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHRISTOPHER DEWAYNE BROWN,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:22-CR-52-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Christopher Dewayne Brown pleaded guilty to distributing methamphetamine, pursuant to 21 U.S.C. § 841(a)(1) and (b)(1)(B), and was sentenced below the advisory guidelines range to 160 months of imprisonment as well as four years of supervised release.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Brown argues that his below-guidelines range sentence is substantively unreasonable. Specifically, he contends that the district court applied the career offender enhancement under U.S.S.G. § 4B1.1 mechanically, without consideration of the 18 U.S.C. § 3553(a) factors and the facts of his case. He relatedly appears to raise a policy-based challenge to the reasonableness of his sentence.

We review a preserved challenge to the substantive reasonableness of a sentence for abuse of discretion. *See United States v. Douglas*, 957 F.3d 602, 609 (5th Cir. 2020). Where, as here, the district court varies downward from the guidelines range, the sentence is entitled to a presumption of reasonableness. *See United States v. Gozes-Wagner*, 977 F.3d 323, 343 (5th Cir. 2020). Brown has not rebutted this presumption. The district court expressly considered pertinent § 3553(a) factors at sentencing and the materials submitted by Brown, and it varied downward, albeit less than requested. His policy disagreement with § 4B1.1 likewise fails to rebut the presumption of reasonableness. *See United States v. Duarte*, 569 F.3d 528, 530 (5th Cir. 2009).

Accordingly, the judgment of the district court is AFFIRMED.